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*Attorneys for Defendants
Rashonda Smith and
Douglas Thrasher*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

vs.

DAVID WILLIS, et al.,

Defendants.

Case No. 2:17-cv-01121-APG-DJA

**DEFENDANTS' MOTION TO
RESCHEDULE THE SETTLEMENT
CONFERENCE (ECF NO. 67)**

Defendants Rashonda Smith and Douglas Thrasher, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Matthew P. Feeley, Deputy Attorney General, and Lausteveion Johnson, *Pro Se*, hereby submit the following request to reschedule the Settlement Conference currently set for September 29, 2020.

I. INTRODUCTION

Defendants respectfully request this Court reschedule the September 29, 2020, Settlement Conference. State Tort Claims Manager Nancy Katafias is unavailable as she is already scheduled for two inmate early mediation conferences on that date. Accordingly, Defendants respectfully request this Court reschedule the Settlement Conference.

1 **II. BACKGROUND**

2 Plaintiff Lausteveion Johnson (Johnson) is an inmate incarcerated in the Nevada
3 Department of Corrections. (NDOC). Johnson filed a first amended civil rights complaint
4 pursuant to §1983. ECF No. 7.

5 On August 5, 2020, the parties submitted their Proposed Joint Pre-Trial Order and
6 the Court approved said order that same day. The Court additionally set this matter for
7 trial on a stacked calendar on January 25, 2021. ECF No. 66.

8 On August 13, 2020, this Court issued an Order Scheduling Settlement Conference,
9 set for September 29, 2020. ECF No. 67.

10 Defendants hereby respectfully request that the Court reschedule the Settlement
11 Conference.

12 **III. LEGAL ARGUMENT**

13 District courts have inherent power to control their dockets. *Hamilton Copper & Steel*
14 *Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Olivia v. Sullivan*, 958 F.2d
15 272, 273 (9th Cir. 1992). Under Fed. R. Civ. P. 16(b)(a) “schedule shall not be modified except
16 upon a showing of good cause and by leave of the district judge or, when authorized by local
17 rule, by a magistrate judge.”

18 This Court ordered that “any requests to reschedule the SC must be submitted at least
19 one (1) week in advance of the scheduled date and provide a detailed reason for the request.”
20 ECF No. 67 at 2:14. This request is being submitted more than one week in advance of the
21 scheduled date and provides the following detailed reason for the request.

22 This Court, in setting the Settlement Conference, ordered the required attendance
23 of “a representative with binding authority to settle this matter up to the full amount of
24 the claim...” ECF No. 67 at 1:25. Nevada State Tort Claims Manager Nancy Katafias is the
25 individual granted that authority. However, Ms. Katafias is not available on September 29,
26 2020 as she is already scheduled to appear at two inmate early mediation conferences in
27 Reno Federal Court.

28 ///

However, Defendants respectfully suggest the following dates, as Ms. Katafias is currently available on the following dates:

- Monday Oct 5, 2020
- Monday Oct 12, 2020
- Wednesday Oct 14, 2020
- Monday Oct 19, 2020
- Wednesday Oct 21, 2020
- Monday Oct 26, 2020
- Monday Nov 2, 2020
- Thursday Nov 5, 2020.

IV. CONCLUSION

Defendants respectfully requests this Court reschedule the Settlement Conference in light of the State Tort Claim Manager's unavailability.

DATED this 25th day of August, 2020.

Respectfully submitted,

AARON D. FORD
Attorney General

By: /s/ Matthew Feeley
Matthew Feeley (Bar No. 13336)
Deputy Attorney General
Attorneys for Defendants

ORDER

The Court finds good cause to GRANT the motion. **IT IS ORDERED** that the Settlement Conference currently scheduled for September 29, 2020 is vacated and rescheduled to **Monday, November 2, 2020 at 10:00 a.m.** The written settlement statements are due by noon on Monday, October 26, 2020. All other provisions of the Court's prior Order ECF No. 67 remain in effect.

DATED: August 31, 2020.



Daniel J. Albregts
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that August 25, 2020, I electronically filed the foregoing **DEFENDANTS' MOTION TO RESCHEDULE THE SETTLEMENT CONFERENCE (ECF NO. 67)**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

Mr. Lausteveion Johnson, #82138
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff, Pro Se

/s/Yolonda Laster
An employee of the Office of the
Nevada Attorney General